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ATTORNEYS FOR PLAINTIFF JOHN KESSLER,
ADMINISTRATOR OF THE ESTATE OF RUTH HAWKINS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHN KESSLER, ADMINISTRATOR OF
THE ESTATE OF RUTH FOUND
HAWKINS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. C-06-07492-RS

STIPULATION AND ~~PROPOSED~~ ORDER
FOR TIME TO FILE PLEADINGS ON
*PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT OR PARTIAL MOTION FOR
SUMMARY JUDGMENT, DEFENDANT'S
CROSS-MOTION FOR SUMMARY
JUDGMENT*

Plaintiff John Kessler, Administrator of the Estate of Ruth Found Hawkins, and
Defendant the United States of America, by and through their undersigned counsel, hereby
stipulate as follows:

1. WHEREAS Plaintiff intends to file a motion for summary judgment or partial
summary judgment and Defendant anticipates filing a cross-motion for summary judgment;
2. WHEREAS a hearing on such motions is scheduled for January 9, 2008;
3. WHEREAS the parties have agreed to a briefing schedule for such motions;
4. WHEREAS the parties have previously agreed to one time modification relating
to the filing of pleadings on Defendant's motion for summary judgment and Defendant has only
requested an extension of time in this matter with respect to the initial status conference;

1 5. WHEREAS the stipulated briefing schedule will not affect the Court's calendar
2 because the all pleadings will be filed in advance of the deadlines imposed by the Federal Rules
3 of Civil Procedure;

4 IT IS PROPOSED AND STIPULATED:

5 The date set for Plaintiff to file his motion for summary judgment or partial summary
6 judgment is November 21, 2007. The date set for Defendant to file its opposition to Plaintiff's
7 motion for summary judgment or partial summary judgment, as well as a cross-motion for
8 summary judgment, is December 5, 2007. Plaintiff's reply to Defendant's opposition to his
9 motion for summary judgment or partial summary judgment, as well as Plaintiff's opposition to
10 Defendant's cross-motion for summary judgment, will be due December 12, 2007. Defendant's
11 reply to Plaintiff's opposition is due December 19, 2007.

12 IT IS SO STIPULATED.

13 DATED: SEPTEMBER 27, 2007

BERLINER COHEN

14
15 BY: /s/

HEATHER H. MUNOZ
ATTORNEYS FOR PLAINTIFF JOHN KESSLER,
ADMINISTRATOR OF THE ESTATE OF RUTH
FOUND HAWKINS

16
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18 DATED: SEPTEMBER 27, 2007

UNITED STATES ATTORNEY

19
20 BY: /s/

DAVID DENIER
ATTORNEYS FOR DEFENDANT THE UNITED
STATES OF AMERICA

21
22 IT IS SO ORDERED.

23 DATED: 9/28, 2007

24
25 BY:


RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE